AN ACT

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in assault, providing for the offense of intimate partner harassment.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Title 18 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 2709.2. Intimate partner harassment.

(a) Offense defined.--A person commits the crime of intimate partner harassment by exposing a photograph, film, videotape or similar recording of the identifiable image of an intimate partner who is nude or explicitly engaged in a sexual act to the view of a third party for no legitimate purpose and with the intent to harass, annoy or alarm the person depicted.

(b) Affirmative defense.--It shall not be an offense under this section for a person to expose an image with the consent of the person depicted.
(c) Grading.--An offense under this section shall be:

(1) A felony of the third degree when the person depicted is a minor.

(2) A misdemeanor of the third degree when the person depicted is not a minor.

(D) APPLICABILITY.--THIS SECTION SHALL NOT APPLY TO ANY ACTIVITY DESCRIBED IN SECTION 6321 (RELATING TO TRANSMISSION OF SEXUALLY EXPLICIT IMAGES BY MINOR).

(E) Definition.--As used in this section, the term "nude" shall have the meaning provided under section 5903(b) (relating to obscene and other sexual materials and performances).

Section 2. This act shall take effect in 60 days.